

44

Entered - 08/09/99 - sb
CL99L0461 - DIANNE C. MITCHELL
00- R -0166

CLAIM OF: KAREN ISENBERG
12 Peachtree Avenue
Apt. 5
Atlanta, Georgia 30305

For damages alleged to have been sustained as a
result of a sewer back up on July 6, 1999 at 12
Peachtree Avenue.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT

COM Public Safety

2/15/2000

VC City of Atlanta

William Davis

William Davis

Bill Ford

Samuel Hill

ADVERSED BY
CITY COUNCIL FEB 21 2000

CERTIFIED
FEB 21 2000
John M. Starnes
COUNCIL PRESIDENT PROTEM

CERTIFIED
FEB 21 2000
Mark D. Jackson
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

February 28, 2000

Karen Isenberg
12 Peachtree Ave.
Apartment 5
Atlanta, GA 30305

00-R-0166

Dear Ms. Isenberg:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 21, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0461

Date: February 3, 2000

Claimant /Victim KAREN ISENBURG
BY: (Atty) (Ins. Co.) _____
Address: 12 Peachtree Avenue, Apt. 5, Atlanta, Georgia 30305
Subrogation: _____ Claim for Property damage \$ 805.00 Bodily Injury \$ _____
Date of Notice: 07/19/99 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/06/99 Place: 12 Peachtree Avenue
Department Public Works Bureau: Waste Water Services Division Sewer
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that her property was damaged due to the back up of the City's sewer. The investigation determined that the City had no notice of any problems with the sewer line prior to the incident involving the claimant. The City is immune from liability as set forth in §36-33-1.

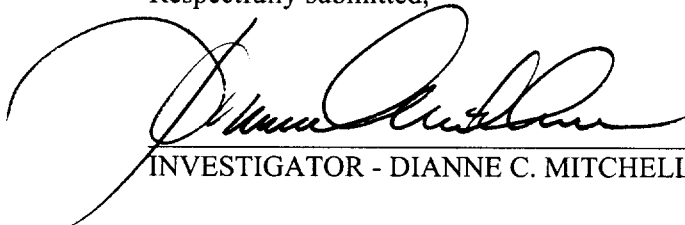
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

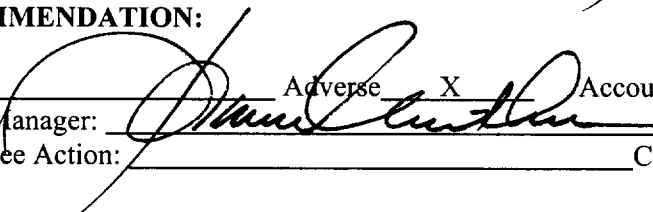
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 02-03-00
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 7/13/99

ENTERED - 8-9-99 - SB
99L0461 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 805 and property and/or \$ bodily injury for which I contend the City is liable.

1. Date of incident: July 6, 1999 (month/day/year). 2. Time of Incident: approx 3:00p. 3. Police called: Yes ☒ No ☐

4. Location of incident (including street address): 12 Peachtree Ave

5. Name of your insurance company: Allstate Policy No. 615632876

6. State what and how incident occurred: The sewer pipes underneath my driveway backed up and caused instantaneous flooding of my driveway. Water levels reached approximately 4 feet and my car flooded. Ruining the entire car making it undrivable and ruining a lot of items inside the car.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Honda Accord 1999 225MWZ Karen Isenberg
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: (Make) (City Driver's Name) (Department/Bureau)

9. Witness: Allstate Insurance 2555 Metropolitan 404-766-1661
(Name) (Address) (Telephone Number)
Nally Chevrolet Allstate Proshop PRKY. ext. 259

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Karen Isenberg
Signature of Claimant

Karen Isenberg
(Print Claimant's Name)

12 Peachtree Ave #5
(Address)

Atlanta, GA. 30305
(City, State and Zip Code)

404-483-8226
(Work Number)

404-261-6546
(Home Number)

00-R-0166

RCS# 1771
2/21/00
2:37 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM
CONSENT AGENDA

00-O-0122
00-O-0123
00-R-0202
00-R-0020

00-O-0212 - Councilmember
Boazman Abstained

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 *
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting
ITEMS ADVERSED ON
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

* Councilmember Boazman
abstained from voting on item 00-
O-0212.